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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,182	02/15/2001	Fabienne Coez	PF980036	5225
24498	7590	12/15/2005	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,182

Applicant(s)

COEZ ET AL.

Examiner

Thai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Sept. 20, 2005 have been fully considered but they are not persuasive.

In re page 8, applicants state that it is not clear from the Office Action whether source ID and destination ID constitute the "list of resources involved in accomplishing the action" recited in claim 1.

In response, when cited the columns and lines including the source ID and the destination ID of the applied reference, the source ID and the destination ID are the claimed "list of resources involved in accomplishing the action" recited in claim 1.

In re pages 8-9, applicants argue that no description of the reference that corresponds to the claimed that the request for programming an action includes a list of resources involved in accomplishing that action and that a verification of the availability of these resources at a time indicated in the request is checked because the protocols of the reference have nothing to do with the availability of resources listed in the request sent by the source node for the simple reason that the source node of James et al has no knowledge of what adapters and bridges are on the way to the destination node – adapters and bridges are transparent for the source node, and therefor, obviously cannot be listed as "resources" in the request sent by an application as recited in claim 1 and the reference does not teach or suggest carrying out verification for availability of a resource at a time when the action is to be carried out, a corresponding time information being sent in the request since the subaction does not specify such an

information (see col. 7, lines 32-67) and since the bridges or adapters do not process such an information.

In response, the examiner respectfully disagrees. As stated in the above the claimed "listed sources" are the source ID and destination ID of the reference. James et al discloses from col. 12, line 67 to col. 13, line 3 that "In one embodiment, the precedence information identifies the age of the subaction based on a time stamp such that the oldest packets are processed first". From the above passage, it is clear that the request does have the time information (time stamp). The busy/retry and reject/resent protocols of the reference are preformed at a time when the action is to be carried out.

In re page 9, applicants argue, finally, that what is transmitted to the sending node seems to be only an indication of whether a subaction was processed or not by a bridge or an adapter, not a message of acceptance or refusal of the programming of an action depending on the result of a verification of the availability of the resources at a specified time as indicated in the request.

In response, the examiner respectfully disagrees. The busy/retry and reject/resent protocols of the reference as disclosed cols. 8-9 will return the acknowledge message. Thus, the busy/retry and reject/resent protocols anticipated the last limitation of claim 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by James et al (US 6,108,739) as set forth in the last Office Action.

Regarding claim 1, James et al discloses a process for programming actions of resources in a network of domestic devices (Fig. 1), including the steps of:

 sending a request for programming an action by a client application to a manager of preprogrammed actions of a device of the network, the programming request including a set of parameters defining the action including a time indication and a list of resources involved in accomplishing the action (transactions disclosed in col. 6, lines 54-61, the request subaction having targeted, transaction label, transaction label, sourceId disclosed in col. 7, lines 24-67, and the time stamp disclosed from col. 12, line 57 to col. 13, line 3),

 verification by the actions manager of the availability of the resources involved in accomplishing the action at a time when the action is to be carried out, a corresponding time information being sent in the request (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and the time stamp disclosed from col. 12, line 57 to col. 13, line 3),

 transmission to the client application of a message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager depending on the result of the verification (request/resend protocol, reject/resend

protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34).

Regarding claim 2, James et al also discloses the claimed wherein the client application selects a preprogrammed action manager situated in a device other than the client application itself (the bridge 24 disclosed in col. 8, lines 45-50 and responder disclosed in col. 7, lines 23-30).

Regarding claim 3, James et al discloses the claimed of step of storage by each resource involved of its timetable with respect to the action (program instructions stored in memories 16 disclosed in col. 6, lines 20-34 and the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 4, James et al discloses the claimed wherein the verification step comprises sending a request, by the preprogrammed actions manager, to each resource involved, for ascertaining the availability of the resources involved in view of their respective reservation timetables (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 5, James et al discloses the claimed wherein, at the time specified in the request, the preprogrammed actions manager performs the following tasks:

reservation of the resources involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34);

establishment of the resource involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34);

instigating of the commands with the resources involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34).

Regarding claim 6, James et al discloses the claimed wherein the request comprises a start time of the action (the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 7, James et al discloses the claimed wherein the request comprises an end time of the action (the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 8, James et al discloses the claimed wherein the request comprises a data item identifying a periodicity of the action (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34).

Regarding claim 9, James et al discloses the claimed wherein the request comprises a list of connections to be established before the action is initiated (transactions disclosed in col. 6, lines 54-61, the request subaction having targeted, transaction label, transaction label, sourceId disclosed in col. 7, lines 24-67, and the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 10, James et al discloses the claimed wherein the verification step comprises the step of sending, to a device control manager of a given resource listed in the request, action parameters corresponding to the resource, wherein the device control manager acts as an intermediary between the preprogrammed actions manager and the given resource (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 11, James et al discloses the claimed the step of providing an identifier of an action by the preprogrammed action manager to the requesting application in case the action is accepted (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Claim 12 is rejected for the same reasons as discussed in claim 1 above.

Claim 13 is rejected for the same reasons as discussed in claim 2 above.

Claim 14 is rejected for the same reasons as discussed in claim 6 above.

Claim 15 is rejected for the same reasons as discussed in claim 7 above.

Claim 16 is rejected for the same reasons as discussed in claim 8 above.

Claim 17 is rejected for the same reasons as discussed in claim 9 above.

Claim 18 is rejected for the same reasons as discussed in claim 1 above.

Claim 19 is rejected for the same reasons as discussed in claim 4 above.

Regarding claim 20, James et al discloses the claimed wherein the verification step comprises the step of sending, to a device control manager of a given resource

listed in the request, action parameters corresponding to the resource, wherein the device control manager acts as an intermediary between the preprogrammed actions manager and the given resource (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 21, James et al discloses the claimed step of providing an identifier of an action by the preprogrammed action manager to the requesting application in case the action is accepted (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER